

PUBLIC NOTICE

PUBLIC NOTICE OF A DRAFT NPDES PERMIT TO DISCHARGE INTO WATERS OF THE UNITED STATES

U.S. Environmental Protection Agency
Region 5, NPDES Programs Branch - WN-16J
77 West Jackson Boulevard
Chicago, Illinois 60604
(312) 353-2124

Public Notice No.: 08-09-01-A

Public Notice Issued On: September 5, 2008

Comment period ends: October 6, 2008

Permit No.: MI-0055204-2 (Reissuance)

Application No.: MI-0055204-2

Name and Address of Applicant:

Lac Vieux Desert Utility Commission
Lac Vieux Desert Band of Lake Superior
Chippewa
P.O. Box 249
Watersmeet, Michigan 49969

**Name and Address of Facility
Where Discharge Occurs:**

Lac Vieux Desert Wastewater Facility
Lac Vieux Desert Indian Reservation
Transferstation Road
Watersmeet Township, Michigan
Gogebic County
(SE1/4 of the NW1/4 of Sec 22,T45N,R39W)

Receiving Water: Wetland tributary to Bonifas Creek

DESCRIPTION OF APPLICANT'S FACILITY AND DISCHARGE

The above named applicant has applied for an NPDES Permit to discharge into the designated receiving water. The facility and its discharge are located within the exterior boundaries of the Lac Vieux Desert Indian Reservation. The permit will be issued by the U.S. Environmental Protection Agency.

The permittee has built and operates a 2-cell wastewater stabilization lagoon. The primary cell is approximately 6.1 acres and the secondary cell is approximately 2.9 acres. The treated effluent can be used or disposed of in three ways. The treated effluent can be discharged in a controlled manner during the spring and fall to a wetland that is tributary to Bonifas Creek. The treated effluent can also be pumped to and mixed with water in the permittee's 1.5 acre golf course irrigation pond to be used to irrigate the permittee's golf course during periods of dry weather. The third method contemplated but has been used as of yet is for the making of base snow to be used at the permittee's snowmobile track. If this method is used, aerators may have to be installed in the secondary cell to keep the cell from completely freezing.

The design average influent flow for the facility is 65,000 gpd. The treatment system will provide service for the Lac Vieux Desert Indian Reservation.

The draft permit requires the applicant to meet the following effluent limitations:

<u>Parameter</u>	<u>30-day average</u>	<u>7-day average</u>
BOD ₅	30 mg/L	45 mg/L
Total Suspended Solids	45 mg/L	65 mg/L
pH	6.5 (minimum)	9 (maximum)
E. coli	126 E. coli/100 ml	
Dissolved Oxygen		5.0 mg/L (daily minimum)

The permit also requires monitoring for Ammonia Nitrogen (NH₃-N) and Total phosphorus, compliance with 40 CFR Part 503 when sludge is used or disposed, and 40 CFR Part 403 to prevent any pass through of pollutants or any inhibition or disruption of the permittee's facility. The permit also contains requirements for mixing the treated effluent with irrigation water and for base snow making. These limits are consistent with federal regulations and are also intended to be protective of Michigan water quality standards where they are applicable.

EPA is the appropriate authority for purposes of certifying the proposed discharge under Section 401 of the Clean Water Act. Clean Water Act Section 401 certification is not needed from the state or the tribe as neither has water quality standards applicable to the receiving water at the point of discharge.

ESA and NHPA COMPLIANCE

EPA believes it has satisfied its requirements under the Endangered Species Act and the National Historical Preservation Act. Since this is an existing facility with no new planned expansion or construction expected within the permit term, it is believed that the reissuance of the permit and the continued operation of the facility will have no effect on endangered or threatened species or their critical habitat and will have no impact to historical, archeological, or cultural resources.

TENTATIVE DETERMINATION

On the basis of preliminary staff review and application of applicable standards and regulations, the Regional Administrator of EPA, Region 5 proposes to issue a permit for the discharge from the Lac Vieux Desert Wastewater Facility subject to certain effluent limitations and special conditions.

COMMENT PROCEDURES and PUBLIC HEARING

The determination to issue the NPDES permits is tentative. EPA's comment and public hearing procedures may be found at 40 CFR 124.10, 124.11, 124.12, and 124.13. The following is a summary of those procedures:

1. The comment period during which written comments on the draft permits may be submitted extends to October 6, 2008.

2. During the comment period, any interested person may request a public hearing by filing a written request which must state the issues to be raised. The last day for filing a request for public hearing is October 6, 2008.

3. In appropriate cases, including those where there is significant public interest, the EPA Regional Administrator may hold a public hearing. A decision has not yet been made as to whether a public hearing will be held for this permit. Public notice of such a hearing will be circulated in at least one newspaper in the geographical area of the discharge and to those persons on the EPA mailing list at least 30 days prior to the hearing.

4. All comments received later than October 6, 2008, may be considered in the formulation of final determinations.

5. Written comments or requests for a public hearing must be delivered or mailed to: John A. Colletti, U.S. Environmental Protection Agency, Region 5, NPDES Programs Branch - WN-16J, 77 West Jackson Boulevard, Chicago, Illinois 60604

The application and Public Notice numbers should appear next to the EPA address on the envelope and on each page of any submitted comments. It is important that all viewpoints are considered before taking action. Therefore, we greatly appreciate your time and effort in participating in the public participation process. EPA will notify the applicant and each person who has submitted written comments or requested notice of the final permit decision.

PETITION TO REVIEW

Within 30 days following the service of notice of the Regional Administrator's final permit decision, any person who filed comments on the draft permits or participated in a public hearing, if held, may petition the Environmental Appeals Board to review any condition of the permit decision. The petition should be sent to the following address: Environmental Appeals Board, MC 1103B, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460.

AVAILABILITY OF DOCUMENTS

The application, draft permit, including proposed effluent limitations and special conditions, statement of basis, and other documents contained in the administrative record, are available for inspection and may be copied at a cost of 15 cents per page at the Chicago Regional offices of the Environmental Protection Agency anytime between 9:00 a.m. and 4:00 p.m., Monday through Friday. You may also view the public notice, statement of basis, and draft permit on Region 5's website at "<http://www.epa.gov/region5/water/npdestek/notices.htm>". All data submitted by the applicant is available as part of the administrative record. For more information, please contact John Colletti at (312) 886-6106 or by e-mail at 'colletti.john@epa.gov'.

Please bring the foregoing to the attention of anyone you know that would be interested in this matter.